

## MEMORANDUM

TO: Members of the Bar of the Vermont Supreme Court

FROM: John L. Kellner, Esq., Chair  
Judicial Nominating Board

SUBJECT: **Information Concerning Magistrate Vacancy**

DATE: September 9, 2011

The Governor will appoint a Family Division Magistrate to fill the vacancy created by the recent appointment of Martin Maley to the Superior Court bench. The Administrative Judge will assign this Magistrate to the northwestern counties of the state, primarily Chittenden, Franklin and Lamoille Counties.

The Judicial Nominating Board will review applications from persons wishing to serve as a Family Division Magistrate. The Family Division Magistrate appointment will be for a term which expires on March 31, 2012. Magistrates may be appointed for additional terms through the legislative retention process described in 4 V.S.A. §461(c).

The Supreme Court and the Administrative Judge expect magistrates to both preside over child support and other family related proceedings, and take an active role in the management of the child support, domestic and parentage dockets in each court to which the magistrate is assigned, in collaboration with the presiding judge, the superior court clerk, the court operations manager and the case manager. A magistrate must be able to:

- ensure that court proceedings are conducted in an atmosphere that makes litigants and lawyers feel welcome, ensures fairness and the perception of fairness, and treats court users and court staff with courtesy and respect.
- manage the flow of litigation and the pace of courtroom proceedings in order to resolve disputes in a timely and effective manner.
- communicate clearly and regularly with the local bar, representatives of state agencies, community organizations and other court users in order to enhance effective functioning of the court.

In evaluating candidates, the Judicial Nominating Board will use statutory criteria and standards for nomination which include, but are not limited to, integrity, legal knowledge and ability, judicial temperament, impartiality, health, experience, diligence, administrative and communicative skills, social consciousness, and public service. Consideration will be given to the nature and extent of the candidate's training, practice and experience.

**Other information relating to the Family Court Magistrate vacancy is as follows:**

- (1) The Magistrate shall be an attorney admitted to practice in Vermont with at least four years of general law practice. 4 V.S.A. § 461(b).
- (2) Magistrates are nominated and confirmed in the manner of superior court judges. 4 V.S.A. §461(b).
- (3) The criteria and standards used by the Judicial Nominating Board for the nomination of qualified candidates for magistrate are set forth at 4 V.S.A. § 601(d) and in rules adopted by the Judicial Nominating Board.
- (4) A Magistrate has jurisdiction to hear and dispose of proceedings related to child support, parent child contact, temporary spousal maintenance, establishment of parentage, temporary parental rights and responsibilities and other related matters. See 4 V.S.A. §§ 461(a) and 462.
- (5) The salary of the Magistrate is \$92,641. See 32 V.S.A. § 1003(c)(6).
- (6) The procedures for selection and appointment of the Magistrate are the same as those set forth for a Superior Judge. See Vt. Const. Ch. II §§ 32-35 and 4 V.S.A. §§ 602-603.
- (7) The procedures for retention are found at Vt. Const. ch. II, §§ 34-35 and 4 V.S.A. §461(c).
- (8) A Magistrate is subject to the disciplinary and administrative authority of the Supreme Court and the Administrative Judge for Trial Courts. See: Vt. Const. Ch. II §§ 30, 36, 37; 4 V.S.A. §§ 3, 72, 461(d); Vermont Code of Judicial Conduct, Administrative Order 10; and Administrative Order 18 related to the duties of the Administrative Judge for Trial Courts.
- (9) Under 4 V.S.A. § 26, the Legislature authorized appointment of half-time judges. Two half-time judges may share the position on a weekly, monthly or semi-annual basis subject to the assignment of the Administrative Judge. Each appointment will be made as one full-time magistrate or two half-time magistrates.

Any individual interested in applying for this vacancy may download the [Application](#) on the Judiciary website. This completed application (and 11 copies) must be filed with me at the following address on or before noon on **October 7, 2011**. Please make sure that each copy of your application is stapled or clipped together with your writing sample and any other written submission.

It is anticipated that interviews by the Judicial Nominating Board will be held in mid-November.

**John L. Kellner, Esq., Chair  
Judicial Nominating Board  
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If you have any questions or for whatever reason wish to speak with me directly, you can call me at 865-4700.